

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

**SHARON GUTHRIE,**

**Plaintiff,**

**vs.**

**THE UNITED STATES OF AMERICA,**

**Defendant.**

**No. 1:22-cv-00162-DCLC-SKL**

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**MOTION TO CONTINUE TRIAL TO JULY 17, 2024**

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**COMES NOW** Plaintiff, by and through counsel, and moves the Court to continue the bench trial from July 8, 2024 to July 17, 2024. For reasons that follow, and in light of the Court's recent order re. scheduling (doc. 62) and the government's pending Motion for Reconsideration (doc. 65), Plaintiff submits that a brief continuance represents the most efficient use of limited judicial resources and prompt resolution of the parties' dispute.

As discussed at the Final Pretrial Conference (FPC), Plaintiff through counsel issued subpoenas to a number of Mrs. Guthrie's treating providers on June 26, 2024. As of this filing, at least seven providers have been served. Dr. Mark Freeman, one of these providers, and the orthopaedic surgeon who performed the total knee revision surgery in December 2023, was served earlier today. (*See Return forthcoming.*) Upon receipt of the subpoena, Dr. Freeman directed his office to reach out to undersigned counsel to discuss the subpoena. Dr. Freeman's office manager apologized to undersigned counsel for not previously scheduling Dr. Freeman's deposition by agreement. Dr. Freeman proposed that he could be available to testify by deposition at his office in Chattanooga on July 12, 2024. Dr. Freeman indicated that any appearance prior to July 12,

would be an undue hardship. Dr. Freeman's testimony represents a key piece of Mrs. Guthrie's damages proof, his testimony is critical to this action.

Dr. William Garrett, who was also served today, proposed making himself available for a deposition at his office in Chattanooga on Tuesday, July 2, 2024 at 6:00 a.m. The government characterized this request as "on its face, unreasonable." (It is unknown whether the government's position would change following a continuance.)

Considering these developments, Plaintiff requests a continuance of the trial to July 17, 2024 (to accommodate the government's requested relief) and leave to depose for proof Dr. Mark Freeman, on July 12, 2024 in Chattanooga.<sup>1</sup>

RESPECTFULLY SUBMITTED this 27th day of July, 2024.

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<sup>1</sup> To the extent the government agrees, Plaintiff remains open to taking additional depositions for proof ahead of trial, time permitting.